

REPORT - PLANNING COMMISSION MEETING
June 23, 2005

Project Name and Number: Land Use Range Enabler and Site Plan and Architecture Approval Zoning Text Amendments (PLN2005-00221, part one)

Applicant: City of Fremont

Proposal: Zoning text amendments to the single family (R-1) district (R-1-10, R-1-8, and R-1-6) and changes to the Site Plan and Architectural Approval (Article 27) are proposed.

Recommended Action: Recommend to City Council

Location: Effects eligible lands zoned R-1-10, R-1-8 and R-1-6

Assessor Parcel Number(s): Not applicable

Area: Not applicable

Owner: Not applicable

Agent of Applicant: None

Consultant(s): None

Environmental Review: An initial study was prepared for the amendments. No significant environmental impacts were identified. A negative declaration has therefore been prepared for Planning Commission consideration.

Existing General Plan: Applies to certain zoned lands with a General Plan designation of residential 3-5, 4-6 and 5-7 dwelling units per acre

Existing Zoning: Effects eligible lands zoned R-1-10, R-1-8 and R-1-6

Existing Land Use: Not applicable

Public Hearing Notice: A Public Hearing Notice was delivered to The Argus on June 9, 2005 to be published by June 13, 2005.

In addition, a Notice of Preparation of a Draft Negative Declaration was delivered to The Argus on May 25, 2005, to be published on May 31, 2005.

Executive Summary: The zoning text amendments to the R-1 district referred to as the *Land Use Range Enabler* would allow development higher density development in the density range in certain single family districts to be approved by the Planning Commission through the Site Plan and Architectural Approval (SPAA). The increase in density would be achieved by applying the lower yard and lot area requirements of the next higher zoning district. An amendment to Article 27 of the Zoning Ordinance would add a design criterion to minimize the privacy impact on adjacent residents when increasing the density using the reduced area and yard requirements. Minor clarifications to the R-1 district purpose and yard requirement sections (Sec. 8-2600 and Sec.8-2605) are also proposed.

Background and Previous Actions: The Housing Element, Goal 3 Implementation 10, directed that a zoning text amendment be developed that would allow property designated (*Low Density Residential*) to be developed at all points within the density range and encourage at least the mid point of the permitted density range.

Project Description: Two Articles of the Zoning Ordinance are proposed to be amended. Article 6, the Single Family Residence District would be amended by allowing increases in density in the R-1-10, R-1-8 and R-1-6 districts to be approved as a Site Plan and Architecture Approval by the Planning Commission rather than a Planned District rezoning that is subject to Planning Commission review and City Council approval. To increase the density, the minimum lot size and required setbacks of the next higher zoning category would be used (i.e., land zoned R-1-10 would use the area, yard and setbacks of the R-1-8 district, land zoned R-1-8 would use R-1-6 standards. In the case of R-1-6 properties, the design policy for small lot single family residences would be used to evaluate a proposed project.)

	R-1-10	R-1-8	R-1-6
Lot Area / Size	10,000 s.f.	8,000 s.f.	6,000 s.f.
Front Yard	25 feet	25 feet	20 feet
Side Yard	20 feet total both sides	20 feet total both sides	15 feet total both sides
Rear Yard	30-35 feet	25-30 feet	25 feet

All projects would be subject to other applicable standards and guidelines of City code or policies.

The proposal would also amend Article 27, Site Plan and Architectural Approval architectural guidelines by adding to the design review, the requirement that projects submitted for design review orient windows, doors, balconies and decks so as to minimize privacy impacts on adjacent residences.

Minor clarifications are also proposed to Article 6, Section 2600 and Section 2605 to refer to single family residences, not suburban residences and to advise that combining parcels may be necessary to meet the requirements for development.

PROJECT ANALYSIS:

General Plan Conformance: In response to the State Department on Housing and Community Development, the Housing Element of the General Plan, Policy 3A, Implementation 10 calls for zoning ordinance changes to the low density Residential Districts that would allow residential development at all points within a property's density range and encourage development on vacant and underutilized property at least at midpoint of the density range. The Land Use Range Enabler amendment is intended to encourage development at the midpoint density by providing a simplified and streamlined alternative to the planned district or rezoning for increasing density of vacant and underutilized low density residential land. To simplify the process for obtaining increased density, eligible property could use the yard and area requirements for the next higher zoning category, e.g. land zoned R-1-8 would use the area and yard requirements of the R-1-6 zoning district. To streamline the approval process, projects increasing the residential density would be approved by the Planning Commission using the Site Plan and Architecture Approval process.

As stated above, in evaluating a proposed project utilizing the reduced area and yard requirements, the Planning Commission would use the design standards in the Site Plan and Architecture Approval section of the Zoning Ordinance. The addition to the architectural design criteria requiring orientation of decks, windows, doors, balconies to minimize privacy impacts on adjacent residences would implement general plan Land Use Policy LU 1.13:

" [B]buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials."

Eligible Properties: Eligible properties include those:

- Zoned R-1-10, R-1-8 and R-1-6 (excluding those with a Hillside Overlay district) at the time of the effective date of the ordinance adopting these amendments;
- Being proposed as part of a subdivision of seven or more lots.

ENVIRONMENTAL ANALYSIS:

An Initial Study has been prepared for this project. The environmental analysis did not identify any potential impacts as a result of the proposed project and accordingly a Negative Declaration has been prepared for consideration by the Planning Commission. A more detailed description is provided within the Initial Study for the project, which is included as an enclosure.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

Response from Agencies and Organizations: None

ENCLOSURES: Initial Study, Draft Negative Declaration and Certificate of Fee Exemption

EXHIBITS: Exhibit "A-1" Zoning Text Amendment for the Land Use Range Enabler

Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find the initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources and find that there is no evidence the project would have any potential for adverse effect on wildlife resources. As a result, recommend the filing of a Certificate of Fee Exemption for the project.
3. Recommend to the City Council the adoption of Draft Negative Declaration finding that there is no substantial evidence that the project will have a significant effect on the environment and further find that this action reflects the independent judgment of the City of Fremont.
4. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report.
5. Find the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment (PLN2005-000221) because the amendments implement the Housing Goals for allowing increased residential density while minimizing the privacy impacts on neighboring residences.
6. Recommend PLN 2005-00221, part one, to the City Council in conformance with Exhibit "A-1" (Zoning Text Amendment).

Exhibit A -1
Zoning Text Amendment – Land Use Range Enabler
PLN2005-00221
June 23, 2005

Amend Article 6, R-1 Single Family Residence District, Sec. 8-2600.and Sec.8 -2605-as follows:

Sec. 8-2600. Purpose.

To stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R-1 district is intended for the ~~suburban~~ single family home and the services appurtenant thereto.

Sec. 8-2605. Area, lot width and yard requirements.

The following minimum requirements shall be observed, except where increased for conditional uses. The minimum requirements shall be one of the following for the district classifications as designated on the zoning map. Combining small parcels may be necessary to fulfill the requirements of this Article and other City standards and regulations.

Add Sec.8-2605.3, Sec.8-2605.4 and Sec.8-2605.5 as follows:

Sec. 8-2605.2. Land Use Range Enabler - Purpose.

The purpose of the Land Use Range Enabler is to provide an alternative, streamlined means to allow new development for certain property within General Plan Residential Density Ranges 5,6,and 7 (corresponding to the R-1-6, R-1-8 and R-1-10 zoning designations) to be approved above the low end of the density range. Sections 8-2605.3 through 8-2605.5 specify the eligibility and the process for consideration.

Sec. 8-2605.3. Land Use Range Enabler – Eligibility

All projects proposing to use the Land Use Range Enabler shall meet the following requirements:

- (a) Only properties zoned R-1-10, R-1-8 and R-1-6, (excluding those zoned with an H-I Overlay) on or before[insert the effective date of this ordinance] are eligible.
- (b) Only new subdivisions consisting of seven or more lots are eligible.
- (c) Property utilizing the Land Use Enabler shall be subject to provisions of any overlay district applicable to that project.

Sec. 8-2605.4. Land Use Range Enabler – Processing

- (a) Land Use Range Enabler requests shall be processed as a public hearing for a Site Plan and Architectural Approval by the Planning Commission and shall only be processed concurrent with a request for subdivision map.
- (b) Applications requiring Historical Architectural Review Board approval shall be considered by that Board prior to consideration by the Planning Commission.

Sec. 8-2605.5. Land Use Range Enabler – Provisions

- (a) Eligible projects using the Land Use Range Enabler may vary lot area, lot width and yard requirements outlined in Section 8-2605. If the eligible project is within an R-1-10 or R-1-8 zoning district, the area, lot width and yard requirements of next lower R-1 district shall be used in evaluating projects (e.g., for a R-1-10 project, the R-1-8 yard and area standards would be applied) together with Article 27 Standards for Approval and any other applicable standards or guidelines (e.g., Historical Overlay District)
- (b) If the eligible project is located in an R-1-6 district, requirements may be reduced by no more than twenty percent. The Design Guidelines for Small Lot Single Family Residence Developments and any other applicable standards or guidelines shall be used by the Planning Commission, in evaluating proposals for smaller lots in the R-1-6 district.
- (c) Except for projects proposed under Article 21.8, Density Bonus and Affordable Housing Incentives, project density may not exceed the top of the density range established by the General Plan land use designation for the property.
- (d) The approved variations in lot area, lot width, lot depth, and yard requirements shall be adopted as part of the approval and shall be kept on file in the Planning Division similar to a Planned Unit Development so future homeowners can be aware of the varied provisions approved as part of the development project.
- (e) Subsequent additions or modifications to homes approved under these provisions may be considered on a case by case basis through the Development Organization if the proposed addition is in keeping with the originally approved design intent.

Amend Sec.8-2606 as follows:

Sec. 8-2606. Other required conditions.

The following additional conditions shall apply in an R-1 district:

- (a) Subsequent to entitlement approval, final ~~Site~~ site plan and architectural approval by the development organization, pursuant to Article 27 of this chapter, ~~or review by the site plan and architectural review board pursuant to Article 19.3 of this chapter,~~ shall be required of all conditional uses and zoning administrator uses, except home occupations.

Amend Article 27 (Site Plan and Architecture Approval) Sec.8-22706(c), Architectural design as follows:

Architectural design.

- (1) Materials, textures and colors employed shall be compatible.
- ...
- (5) Window, doors, balconies and decks shall be oriented to minimize privacy impacts on adjacent residences.